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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EZRA TESSEMA,

Plaintiffs,

-against-

ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

No. 20 CV 9700 (MKV)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying (1) Memorandum of Law in Support of Defendant United States Environmental Protection Agency's Motion to Dismiss the Complaint; (2) copies of all unpublished decisions cited therein; (3) the Declaration of Kenneth A. Redden, dated December 30, 2020; and (4) Notice to *Pro Se* Litigant Pursuant to Local Civil Rule 12.1, Defendant will move this Court for dismissal of the above-captioned complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

Dated: New York, New York
December 30, 2020

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York
Attorney for Defendant

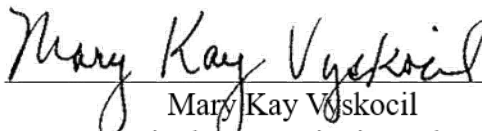
By: /s/ Brandon H. Cowart
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Defendant's Motion to Dismiss Plaintiff's Complaint is DENIED for failure to comply with the Court's Individual Rules of Practice in Civil Cases, which are available online at <https://nysd.uscourts.gov/hon-mary-kay-vyskocil>. This is done without prejudice to any future motion made in accordance with the procedures outlined in the Court's Individual Rules. Defendant shall answer or otherwise respond to the Complaint—*i.e.*, file a pre-motion letter (*see* Individual Rules of Practice in Civil Cases ¶ 4.A.i.)—on or before January 8, 2021.

The Clerk of Court is respectfully requested to close docket entry number 8 and mail a copy of this Order to the *pro se* Plaintiff.

SO ORDERED.

Date: 12/30/2020
New York, New York


Mary Kay Vyskocil
United States District Judge